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Practitioner's Pocket No. W1.1639 PCT-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Wolfgang Gunter RUCKMANN, Horst Bernhard MICHALIK

Application No.: 09/926,175

Group No.: 3654

Filed: January 7, 2002

Examiner: John Quoc Nguyen

For: PAPER WEB DRAW-IN DEVICE FOR A WEB-FED PRINTING PRESS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

ATTENTION: Board of Patent Appeals and Interferences

APPELLANT'S BRIEF (37 C.F.R. § 1.192)

This brief is in furtherance of the Notice of Appeal, filed in this case on
September 23, 2004.

The fees required under § 1.17, and any required petition for extension of time
for filing this brief and fees therefor, are dealt with in the accompanying TRANSMITTAL
OF APPEAL BRIEF.

This brief is transmitted in triplicate. (37 C.F.R. § 1.192(a))

This brief contains these items under the following headings, and in the order set
forth below (37 C.F.R. § 1.192(c)):

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- I REAL PARTY INTEREST
- II RELATED APPEALS AND INTERFERENCES
- III STATUS OF CLAIMS
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The final page of this brief bears the practitioner's signature.

I REAL PARTIES IN INTEREST (37 C.F.R. § 1.192(c)(1))

The real party in interest in this appeal is the assignee KOENIG & BAUER
AKTIENGESELLSCHAFT, Patentabteilung, Friedrich-Koenig-Str. 4, 97080 Wurzburg,
GERMANY.

II RELATED APPEALS AND INTERFERENCES (37 C.F.R. § 1.192(c)(2))

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are none.

III STATUS OF CLAIMS (37 C.F.R. § 1.192(c)(3))

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: Claims 35, 46-48, 51-53.

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims previously canceled: 1-34, 36-45, 49, 50, 54-71.
2. Claims withdrawn from consideration but not canceled: None.
3. Claims pending: 35, 46-48, 51-53.
4. Claims allowed: 53.
5. Claims rejected: 35, 46-48, 51, 52.

C. CLAIMS ON APPEAL

The claims on appeal are: 35, 46-48, 51, 52.

IV STATUS OF AMENDMENTS (37 C.F.R. § 1.192(c)(4))

Claims 35, 46-48, 51 and 52 were finally rejected on May 27, 2004. A Request for Reconsideration was filed on August 27, 2004. Claims 35, 46-48, 51 and 52 were not amended by that Request. An Advisory Action was mailed on September 20, 2004. That Advisory Action indicated that the proposed Amendment; i.e. the Request for Reconsideration would be entered for purposes of appeal. It was stated that the Request had been considered but that it did not place the application in condition for allowance. The Final Rejection of May 27, 2004 was deemed to still apply.

V SUMMARY OF INVENTION (37 C.F.R. § 1.192(c)(5))

The subject invention is a device that is usable to draw in at least one paper web in a web-fed rotary printing press. Web-fed rotary printing presses, which are often used to print newspapers and similar publications, are large, complex machines. They typically are several stories high and may extend for 100 feet or more. Such a web-fed rotary printing press will receive webs of paper from plural paper rolls that are supported by reel stands. These paper webs are printed as they pass through a plurality of press sections. Each web may be printed in multiple colors and thus must pass through a plurality of press sections. Once the plurality of individual paper webs have all been printed, they are assembled, folded and cut into so-called signatures that become newspaper sections. Those signatures are taken away from the printing press for distribution.

During production operation, the paper webs are pulled through the machine by the action of a number of press rolls or cylinders and other driven rollers. The paper webs travel at very high speed and their path of travel through the various press sections must be unimpeded.

When a rotary printing press is being started, either as the initiation of a printing task, or because of a previous stoppage that was necessitated, typically by a web break, it is necessary to feed the leading ends of the individual paper webs through the array of individual pieces of equipment. This task is somewhat analogous to the feeding of a film leader through a projection camera. While such a feeding of a film leader can be done by hand, the feeding of a paper web through the pieces of equipment in a rotary web-fed printing press requires draw-in devices. The purpose of each such draw-in device is to pull

or to guide the start of a paper web or webs through a press section prior to placing the press in a production mode.

A web-fed rotary printing press is a multi-functional piece of equipment and includes a plurality of potential paper web paths. If the newspaper is to include an insert, one path is used for that web. If a multi-color section is to be printed, the web path must go through all of the individual color applying press sections. It will be readily apparent that a single draw-in device cannot be used to feed a plurality of webs through various courses in the printing press. Instead, each segment of the machine has its own draw-in device. A paper web path of travel is determined and the appropriate draw-in devices are selected. The paper web leading end is grasped by each one of the draw-in devices, operating in a serial manner, and the paper web is directed along its intended course.

As discussed above, the various paper web draw-in devices are used only to feed a paper web through the press during a start-up procedure. Once the paper web has been fed through the press, these paper web draw-in devices must be moved out of the path of paper web travel. If they were not taken out of the paper web path of travel, they would act as an obstruction to the passage of the paper webs during production operation of the printing press.

In the subject application, the paper web draw-in devices are configured either as endless belts or chains or as finite belts or chains, both of which have a length. A first portion of this length includes spikes that pierce the paper web. A second portion of this length is spike free. In use, the spiked portion grasps the leading end of a paper web and

pulls the paper web leading end from the entry to the exit of the particular piece of the printing press with which the draw-in device is associated. The paper web leading end is typically delivered to the entry of the particular piece of equipment by a draw-in device of a prior piece of equipment. It is delivered to the exit of the particular machine by the draw-in device and is then grasped by the draw-in device of a subsequent piece of equipment. Once the spike bearing portion of the draw-in device has accomplished its task, the spike-free portion must then be positioned along the paper web travel path through the piece of equipment. This is necessary so that the paper web draw-in device will not interfere with the travel of the paper web along the paper web path when the press is operating in its production mode.

A discussion of the structure of the paper web draw-in device of the present device can be found starting at paragraph 058 of the Second Substitute Specification. As described there, and as seen in Figs. 1 and 2 of the drawings, there are provided traction means 33 and 34 that are the paper draw-in devices. The particular piece of equipment depicted in Figs. 1 and 2 is a longitudinal fold former. However, the draw-in device could be used with other pieces of press equipment. These traction means, or web draw-in devices have been provided with spikes 35. The spikes 35 extend out from the draw-in device and engage the paper web during a web draw-in procedure. This is discussed at paragraph 059 of the Second Substitute Specification. It is to be noted that these spikes 35 pierce the paper webs or web train at a web pickup line 20 which is the arrival location of the web or the web train at this particular piece of equipment.

Referring now to paragraph 075 of the Second Substitute Specification, it is recited that

“...a sufficiently large portion of the traction means 33, 34 is designed without spikes.” (emphasis added). The paragraph discusses the synchronous movement of the traction means 33, 34 with the arriving paper web or web so that only the spiked portion moves with the web. This is how the draw-in device pulls the arriving web or webs through the particular piece of equipment.

Once the paper web or webs arrive at the hopper folding rollers 26 and 27, which are the exit of this particular piece of equipment, and the web has been grasped by these rollers 26, and 27, the spikes 35 are pulled out of the web. At this time, the traction means are moved so that the spike free portion of the traction means is positioned on the hopper plate 21, the hopper flanks 22, 33 and the hopper flank plates 55 and 65. This discussion is also set forth at paragraph 075. This spike-free portion of the traction means 33, 34 or 120 is the portion of the draw-in device that stays in the path of paper web travel after the draw-in of the paper web or webs has been completed. This spike-free portion does not impede the travel of the paper web through the particular piece of equipment once the printing press is operating in the production manner; i.e. after the draw in has been completed. It is thus essential that the length of the spike-free portion of the paper web draw-in device be sufficient so that only the spike free portion of the draw-in device is in contact with the web during normal press production operation.

The traction means or web draw-in device can be in the form of an endless belt, which may be metallic or non-metallic. The traction means may be a finite length belt. The spikes on the belt can have paper web retention devices.

VI ISSUES (37 C.F.R. § 1.192(c)(6))

Claims 35, 51 and 52 were rejected under 35 USC 102(b) as being anticipated by U.S. patent No. 4, 619,449 to Fischer. Claims 35, 46-48, 51 and 52 were rejected under 35 USC 102(b) as being anticipated by U.S. patent No. 3,367,549 to Assony. The issues presented for determination in this Brief on Appeal are whether claims 35, 51 and 52 are anticipated by the prior U.S. patent No. 4,619,449 by Fischer and whether claims 35, 46-48, 51 and 52 are anticipated by the prior art U.S. patent No. 3,367,549 to Assony.

VII GROUPING OF CLAIMS (37 C.F.R. § 1.192(c)(7))

For each of the two grounds of rejection which applicants contest, the claims in each group stand together.

VIII ARGUMENT (37 C.F.R. § 1.192(c)(8))

A. Claims 35, 51 and 52 are anticipated by U.S. patent No. 4,619,449 to Fischer.

It is respectfully asserted that Fischer does not anticipate, or render obvious the structure of the device for drawing in at least one paper web, as set forth in claim 35 as presented in the Request for Reconsideration and as appended to this Brief. Claim 35 recites that the device comprises a paper web draw-in which has a length. That length includes a first, spike-bearing portion and a second spike-free portion. A plurality of spikes are spaced apart from each other at a first distance and are attached to only the first, spike bearing portion of the web draw-in. The spikes are adapted to selectively penetrate through a paper web only during draw in of the web along a paper web path. The paper web path is substantially greater in length than the first distance which is the distance at which each of the spikes is spaced apart from adjacent spikes in the first spike bearing portion of the draw-in. The draw-in has means for moving it to cause the spikes on the first position to penetrate the web only during draw in and to move the first spike bearing portion to a storage path. This movement of the spike bearing portion to the storage path does two things. It removes the spikes from their penetration of the web upon completion of the draw in. It also moves the second, spike free portion of the paper web draw-in into contact with the paper web along the paper web path upon completion of the draw-in.

The Fischer patent, No. 4,619,449 was cited as showing a web draw-in that has a plurality of spikes 6 on it. The portion of the draw-in 2 with spikes is asserted in the Final Office Action as being moved out of engagement with the paper web. The second spike-free portion of claim 35 was asserted as reading on any portion of the device between any

two spikes not between the 3 and 12 o'clock position. It is respectfully asserted that the interpretation of the Fischer reference in the Final Office Action is incorrect.

In the Fischer device there is shown a folding apparatus. A plurality of paper webs 8 are folded longitudinally as they pass down over a generally triangular fold former 1, as seen in Fig 1. A pair of folding rollers 5 pull the paper webs 8 off the folding former 1. An inlet or supply roller 2 is situated at the inlet to the folding former 1. This inlet or supply roller 2 is formed with a plurality of projections 6. As is clearly evident in Fig. 2, the projections 6 are spaced equally about the entire circumference of the inlet or supply roller 2. A spacing between each of the projections 6 is uniform about the entire periphery of the roller. The supply roller 2 is always in contact with the plurality of webs 8 at the inlet to the fold former 1.

A number of differences exist between the Fischer device and the device for drawing-in a paper web, as recited in currently pending claim 35. The paper draw-in drive of claim 35 is recited as having a length with that length including a spike bearing position and a spike-free portion. Claim 35 then recites that there are a plurality of spikes spaced apart from each other at a first distance and attached to only the spike bearing portion.

Fischer shows no such structure. In Fischer, the entire length of the circumference of the roller 2 has spikes 6 spaced apart from each other at a first distance. There is no spike-free portion of the length of the roller 2 of Fischer. The Final Office Action recites that the "first spike bearing portion" reads on the portion of element 2 between the 3 o'clock and 12 o'clock positions, as shown in Fig. 2. The only portion of roller 2 of Fischer that engages

a paper web is the portion below 12 o'clock and 3 o'clock. Assuming that it is that portion which the Examiner asserts is the "first, spikes bearing portion," how is that portion different from the rest of the surface of the roller 2? In fact, it is not. The assertion that the second spike-free portion reads on the portion between any two spikes not below the "3 o'clock and 12 o'clock position is not correct. It is also not correct, as asserted in the Final Rejection, that all portions of element 2 are in contact with the paper.

Claim 35 recites a paper web draw-in divided into two portions, a first spike bearing portion and a second, spike-free portion. Only the spike bearing portion has a plurality of spikes spaced apart from each other at a distance. Those spikes are used to draw the paper along a paper web path which is substantially greater than the spacing distance between spikes. At the completion of the draw-in, the spike bearing portion is moved to a storage path so that the spikes are pulled out of the paper. The second spike free portion is then in contact with the paper web along the paper web path. The length of that paper web path is recited as being substantially greater in length than the spacing distance between adjacent ones of the spikes in the spike-bearing portion of the draw-in device.

The Fischer patent does not have a first spike bearing portion and a second, spike-free portion of the surface of roller 2. Since only the spike bearing portion of the paper web draw-in of claim 35 has the plurality of spaced-apart spikes, the Fischer reference cannot have a second, spike-free portion with a length substantially greater than the spike spacing distance. Additionally, the spiked portion of the roller 2 of Fischer is always in contact with the paper webs 8. There is no spike-free portion that is in contact with the paper web along the paper web path.

As noted previously, the subject invention is directed to a device for drawing in a paper web. While it is understood that the preamble of a claim does not limit the scope of a claim, it does set forth the environment in which the device operates. The web draw-in device of claim 35 is used in a very different manner than is the supply roller 2 of Fischer. It has a recited structure that is also very different from the structure shown in Fischer. These very significant structural differences are functions of the two distinct tasks which the two devices are intended to accomplish. Claim 35 recites a structure that is very different from the structure shown in Fischer. The draw-in device recited in claim 35 is not anticipated, or rendered obvious by the driven supply roller 2 of Fischer.

Claims 51 and 52 of the subject invention are also not anticipated by Fischer. Claim 51 recites that the draw-in has a finite length. The roller 2 of Fischer is provided with an endless circumference. Claim 52 recites that the spikes are provided with paper web retention devices. There is not showing or suggestion of such devices in Fischer.

For the reasons set forth above, it is believed that the final rejection of claims 35, 51 and 52 as being anticipated by U.S. patent No. 4,619,449 is incorrect. It is requested that this reject be reversed.

B. Claims 35, 46-48, 51 and 52 are anticipated by U.S. patent No. 3,367,549 to Assony.

It is respectfully asserted that Assony does not anticipate, or render obvious the structure of the device for drawing in a paper web, as recited in currently pending claim 35.

The patent to Assony is directed to a collator stripper belt. As depicted in Fig. 1, a paper web 10 is to be transported over a top surface of a table, general at T. The paper web has a side edge with a plurality of punched holes 20. The web 10 is comprised of a plurality of individual sheets 16 that are interleaved by carbon sheets 17, as shown in Fig. 2. Essentially the Assony device shows a tractive feeder for a form.

As depicted in Figs. 1 and 3, the web 10 is moved across the table T by the operation of an endless belt 15. Belt 15 is supported between sprockets 11 and 12, one of which is driven by motor 14. The belt 15 has a plurality of pins 21 that are arranged in a longitudinally extending row and which are spaced apart at the same distance as the holes 20 in the web 10.

A second, endless member 25 is interposed between the web 10 and the upper run of belt 15. It is also provided with spaced holes 26 which are set at the same spacing as the pins 21 and as the holes 20 in the web 10. This second endless member 25 has a length greater than that of the first belt 15. It is driven along with belt 15 and passes over an idler 28 that is spaced apart from sprocket 11. The purpose of the second flexible endless member 25 is to act as a stripper. When the belt 15 passes around the sprocket 11, as shown in Fig. 3, it is possible that the web 10 could, in the absence of the stripper 25, continue, along with belt 15, around the sprocket. The stripper 25 prevents this.

Fig. 4 of Assony shows a second embodiment of the invention. In this configuration, the pins are evenly spaced around a sprocket 31. This configuration eliminates the endless belt 15. The pins are now carried on the circumference of the sprocket 31. The stripper belt

is now denoted at 35. It performs the same function in the second embodiment, as it did in the first.

In the Final Office Action, it was asserted that Assony shows a web draw-in 11, 12, 15, spikes 21 and means, including element 25 for causing the spikes to penetrate the paper web only during draw-in. It was further asserted that the second spike-free portion reads on the portion between any two spikes or on the portion of the element 25 without spikes.

It is respectfully submitted that this rejection is incorrect for essentially the same reasons as were set forth with respect to the rejection based on the Fischer reference. Assony shows a structure that is not the same as, or that would render obvious the structure of the device recited in claim 35 as currently pending in the subject U.S. patent application. Claim 35 recites a paper web draw-in having a length which includes a first spike bearing portion and a second, spike free portion. A plurality of spikes are spaced apart from each other at a first distance along only the first, spike bearing portion. The spikes penetrate the web only during draw-in of the web along the paper web path. The length of the paper web path is substantially greater than the first distance.

Claim 35 further recites means for moving the draw-in device to a position in which the spike bearing portion is no longer in the web travel path but is now in a storage path. The second spike-free portion of the draw-in is then in contact with the paper web along the paper web path. This is done at the completion of the web draw-in to allow the paper web to pass freely along the paper web path, out of contact with the spikes.

In Assony, there is no second spike-free portion that is in contact with the paper web along the path of web travel when the first, spike bearing portion is moved to a storage path. As was the case with Fischer, the entire length of the belt 15 or the entire circumference of the sprocket 31 is provided with pins 21. There is no first spike bearing portion and second spike free portion of the belt 15 or sprocket 31 of Assony. The assertion that the spike-free portion reads on the portion of Assony between any two spikes is not correct. Claim 35 recites that the first spike bearing portion includes a plurality of spaced spikes. There is not time, in the operation of the Assony device, in which a spike free portion of the web draw-in is in contact with the paper web along the paper web path. At all times, the spike bearing portion of the Assony device is in contact with the web. There is not second spike-free portion in either the belt 15 or the sprocket 31 of Assony.

The element 25 of Assony has no spike bearing portion. It is a separate element that also does not anticipate, or render obvious the structure of the device for drawing in a web, as set forth in currently pending claim 35. Stripper belt 25 or 35 functions in conjunction with belt 15 or sprocket 31, respectively. It has no first spike bearing portion with a plurality of spikes and no second spike-free portion that is in contact with a paper web along the paper web path upon completion of the draw-in and the associated movement of the spike-bearing portion to its storage path. It is thus believed that claim 35, as currently pending, is neither anticipated by, nor rendered obvious over the Assony reference. Reversal of the rejection of claim 35 is thus respectfully requested.

Claims 46-48, 51 and 52 depend from believed allowable currently pending claim 35. Their final rejection is also respectfully traversed. In claim 51 it is recited that the draw-in

has a finite length. As was the case in Fischer, both of the belt 15 and the sprocket 31 of the Assony device are endless. Claim 52 recites that the spikes have paper web retention devices. The mere recitation in Assony that the paper web is retained on the spikes is not a positive recitation of paper web retention devices on the spikes. The spikes pierce the web. The paper web retention devices act to retain the pierced web on the spikes. Claims 46-48, 51, and 52 are thus also believed to be allowable. Their rejections, as being anticipated by Assony, should be reversed.

IX APPENDIX OF CLAIMS (37 C.F.R. § 1.192(c)(9))

A copy of each of the claims whose final rejections are being appealed is submitted. This appendeix does not include claims previously cancelled and also does not include allowed claim 53.

35. (Previously Presented) A device for drawing in at least one paper web in a web-fed rotary printing press, said device comprising:

a paper web draw-in, said paper web draw-in having a length said length including a first, spike bearing portion and a second, spike-free portion;

a plurality of spikes spaced apart from each other at a first distance and permanently attached to only said first, spike bearing portion of said paper web draw-in, said plurality of spikes being adapted to selectively penetrate through a paper web only during paper web draw-in along a paper web path in a web-fed rotary printing press, said paper web path being substantially greater in length than said first distance; and

means moving said paper web draw-in for causing said spikes on said first, spike bearing portion of said length of said paper web draw-in to penetrate a paper web only during said drawing in of a paper web into a web-fed rotary printing press along said paper web path and for moving said first, spike bearing portion of said paper web draw-in to a storage path for removing said spikes from penetration of a paper web upon completion of said drawing in of a paper web along said paper web path, said second, spike-free portion of said paper web draw-in being in contact with said paper web along said paper web path upon completion of said drawing in of a paper web along said paper web path.

46. (Previously Presented) The device of claim 35 wherein said paper draw-in is a belt.

- 47. (Previously Presented) The device of claim 46 wherein said belt is metallic.
- 48. (Previously Presented) The device of claim 46 wherein said belt is non-metallic.
- 51. (Previously Presented) The device of claim 35 wherein said draw-in has a finite length.
- 52. (Previously Presented) The device of claim 35 further including paper web retention devices on said spikes.

SUMMARY

The Final Rejection of claims 35, 46-48, 51 and 52 is appealed. This Appellant's Brief is believed to present support for the reversal of the final rejection of these claims. Allowance of the claims and passage of the application to issue is respectfully requested.

Respectfully submitted,

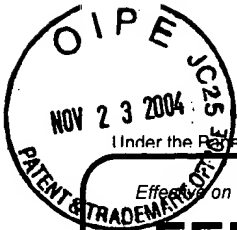
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FEE TRANSMITTAL
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** **340.00****Complete if Known**

Application Number	09/926,175
Filing Date	January 7, 2002
First Named Inventor	Wolfgang Gunter RUCKMANN
Examiner Name	John Quoc Nguyen
Art Unit	3654
Attorney Docket No.	W1.1639 PCT-US

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order☒ Deposit Account ☐ NoneDeposit Account Number: **10-1213**
Deposit Account Name: **Jones, Tullar & Cooper, P.C.**

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☐ Other (please identify): _____**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING FEE**

Fee Description	Fee (\$)	Small Entity Fee (\$)	Fee Paid(\$)
Utility Filing Fee	790	395	
Design Filing Fee	350	175	
Plant Filing Fee	550	275	
Reissue Filing Fee	790	395	
Provisional Filing Fee	160	80	

Subtotal (1) \$ _____**FEE CALCULATION** (continued)**2. EXTRA CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20	18	9
Each independent claim over 3	88	44
Multiple dependent claims	300	150
For Reissues, each claim over 20 and more than in the original patent	18	9
For Reissues, each independent claim more than in the original patent	88	44

Total Claims _____ **Extra Claims** _____ **Fee (\$)** _____ **Fee Paid (\$)** __________ - 20 or HP = _____ x _____ = _____
HP = highest number of total claims paid for, if greater than 20**Indep. Claims** _____ **Extra Claims** _____ **Fee (\$)** _____ **Fee Paid (\$)** __________ - 3 or HP = _____ x _____ = _____
HP = highest number of independent claims paid for, if greater than 3**Multiple Dependent Claims** _____ **Fee (\$)** _____ **Fee Paid (\$)** _____**Subtotal (2) \$** _____**3. OTHER FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)	Fee Paid(\$)
1-month extension of time	110	55	
2-month extension of time	430	215	
3-month extension of time	980	490	
4-month extension of time	1,530	765	
5-month extension of time	2,080	1,040	
Information disclosure stmt. fee	180	180	
37 CFR 1.17(q) processing fee	50	50	
Non-English specification	130	130	
Notice of Appeal	340	170	
Filing a brief in support of appeal	340	170	340.00
Request for oral hearing	300	150	

Other: _____

Subtotal (3) \$ **340.00****SUBMITTED BY**Signature:
Name (Print/Type): **Douglas R. Hanscom**Registration No. **26,600**
(Attorney/Agent)Telephone **703-415-1500**Date **November 23, 2004**

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